

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF NEW YORK**

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EDMONSON, *et al*,

Docket No.: **20 CV 485 (EK)(CLP)**

Plaintiff,

-against-

**ANSWER TO THIRD**  
**AMENDED COMPLAINT**

KEITH RANIERE, *et al*

Defendants.

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Defendant KEITH RANIERE, by and through his attorney AARON M. GOLDSMITH, ESQ., Answers the current, Third Amended Complaint (Doc.215, Filed: 06/06/23) in the above-captioned matter, as follows:

**IN ANSWER TO AVERMENTS COMMON TO ALL CAUSES OF ACTION**

1. Denies the allegations and characterizations contained in the introductory paragraphs.
2. Denies the allegations contained in paragraphs 1, 2, 3, 4, 5 and 6 of the Complaint.
3. Admits the allegations as to the Answering Defendant only as contained in paragraphs 7 and 8 of the Complaint.
4. Admits in part and denies in part, the allegations contained in paragraph 9 of the Complaint. To wit: admits to being a citizen of the State of New York and currently serving a sentence in Tucson, AZ, but denies all other allegations contained therein.
5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 10, 11, 12, 13, 14, 15 and 16 of the Complaint.
6. Denies the allegations contained in paragraphs 17 and 18 of the Complaint.
7. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 19, 20, 21 and 22 of the Complaint.

8. Denies the allegations contained in paragraphs 23, 24, 25, 26 and 27 of the Complaint.
9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 28, 29, 30, 31, 32 and 33 of the Complaint.
10. Admits in part and denies in part, the truth of the allegations contained in paragraph 34 of the Complaint. To wit: admits a close relationship between the Answering Defendant and Clare Bronfman. Denies all other allegations contained therein.
11. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 35 of the Complaint.
12. Denies in part, and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 181, 182, 183, 184, 185 and 186 of the Complaint.
13. Admits in part and denies in part the allegations contained in paragraph 187 of the Complaint. To wit: admits the content of the published decisions of the Court, but denies all other allegations contained therein.

14. Denies in part and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 188, 189, 190, 191, 192, 193 and 194 in part. To wit: denies the allegations against the Answering Defendant and denies knowledge or information sufficient as to the truth of the allegations against co-defendants.
15. Admits the allegations contained in paragraph 195 of the Complaint.

**IN ANSWER TO PLAINTIFFS' FIRST CAUSE OF ACTION (COUNT I)**

16. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 196 as if more fully and completely repeated and reiterated herein.
17. Denies the allegations as to the Answering Defendant and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234 and 235 of the Complaint.

**IN ANSWER TO PLAINTIFF'S SECOND CAUSE OF ACTION (COUNT II)**

18. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 236 as if more fully and completely repeated and reiterated herein.
19. Denies the allegations as to the Answering Defendant and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 237, 238, 239, 240, 241, 242, 243, 244, 245, 246 and 247 of the Complaint.

**IN ANSWER TO PLAINTIFF'S THIRD CAUSE OF ACTION (COUNT III)**

20. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 248 as if more fully and completely repeated and reiterated herein.
21. Denies the allegations as to the Answering Defendant and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294 and 295 of the Complaint.

**IN ANSWER TO PLAINTIFFS' FOURTH CAUSE OF ACTION (COUNT IV)**

22. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 296 as if more fully and completely repeated and reiterated herein.
23. Denies the allegations as to the Answering Defendant and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 297, 298, 299 and 300 of the Complaint.

**IN ANSWER TO PLAINTIFFS' FIFTH CAUSE OF ACTION (COUNT V)**

24. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 301 as if more fully and completely repeated and reiterated herein.
25. Denies the allegations as to the Answering Defendant and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 301, 302, 303 and 304 of the Complaint.

**IN ANSWER TO PLAINTIFFS' SIXTH CAUSE OF ACTION (COUNT VI)**

26. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 305 as if more fully and completely repeated and reiterated herein.
27. Denies the allegations as to the Answering Defendant and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 306 and 307 of the Complaint.

**IN ANSWER TO PLAINTIFFS' SEVENTH CAUSE OF ACTION (COUNT VII)**

28. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 308 as if more fully and completely repeated and reiterated herein.
29. Denies the allegations as to the Answering Defendant and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraphs 309, 310, 311, 312 and 313 of the Complaint.

**IN ANSWER TO PLAINTIFFS' EIGHTH CAUSE OF ACTION (COUNT VIII)**

30. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 314 as if more fully and completely repeated and reiterated herein.
31. Denies the allegations as to the Answering Defendant contained in paragraphs 315, 316, 317 and 318 of the Complaint.

**IN ANSWER TO PLAINTIFFS' NINTH CAUSE OF ACTION (COUNT IX)**

32. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 319 as if more fully and completely

repeated and reiterated herein.

33. Denies the allegations as to the Answering Defendant contained in paragraphs 320 and 321 of the Complaint.

**IN ANSWER TO PLAINTIFFS' TENTH CAUSE OF ACTION (COUNT X)**

34. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 322 as if more fully and completely repeated and reiterated herein.

35. Denies the allegations as to the Answering Defendant contained in paragraphs 323, 324, 325 and 326 of the Complaint.

**IN ANSWER TO PLAINTIFFS' ELEVENTH CAUSE OF ACTION (COUNT XI)**

36. Admits, Denies and denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 327 as if more fully and completely repeated and reiterated herein.

37. Denies the allegations as to the Answering Defendant contained in paragraphs 328, 329, 330, 331 and 332 of the Complaint.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

38. Plaintiffs have failed to state causes of action against Defendant RANIERE upon which may properly be granted.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

39. Upon information and belief, that if the Plaintiff sustained damages as alleged, which allegations are denied, such damages were caused or contributed to, in whole or in part, by the culpable conduct, breach of duty and carelessness on the part of the Plaintiff and/or other persons over whom Answering Defendants had no duty to supervise or control, without

negligence or fault on the part of said Defendants contributing thereto, which requires a dismissal of all claims against the Answering Defendants, or a proportionate diminution in any recovery to which Plaintiff might otherwise be entitled.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

40. Upon information and belief, Plaintiffs recovery, if any, must be reduced by the amount of collateral payments received in accordance with CPLR § 4545.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

41. Upon information and belief, if the Plaintiffs sustained damages as alleged, which allegations are denied, such damages were solely caused by Plaintiff's own negligence, and/or other conduct.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

42. Answering Defendant had no duty with respect to the defect, condition, appurtenance, and/or structure with which Plaintiff claims she was injured on or by.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

43. Answering Defendant lacked knowledge, constructive or otherwise, of the alleged defect or condition that Plaintiff claims caused her injur(ies), and Answering Defendant did not create or cause the alleged defect or condition.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

44. If the Plaintiffs sustained injuries as alleged in the Complaint, said injuries were proximately caused by independent, intervening and superseding causes which could not have been reasonably foreseen and for which the Answering Defendant is not liable or responsible.

**AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE**

45. Upon information and belief, all hazards and risks incident to the circumstances set forth in

the Complaint were open, obvious and apparent, and were readily assumed by the Plaintiffs.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

46. That whatever injuries and/or damages that were sustained by the Plaintiffs, at the time and place alleged, were the result of the Plaintiffs assumption of risk, in realizing and knowing the hazards thereof, and that Plaintiffs assumed all risks necessarily incidental to such an undertaking.

**AS AND FOR A TENTH AFFIRMATIVE DEFENSE**

47. The liability of the Answering Defendant, if any, is limited to the percentage of culpability found against him, and the Answering Defendant shall not be responsible for any percentage of culpability attributed to other individuals, co-defendants and/or entities whether named or unnamed, over whom the Plaintiff could have obtained personal jurisdiction by use of due diligence.

**AS AND FOR A FIRST CROSS-CLAIM**

48. That if any injur(ies) alleged in the Complaint were sustained by defect or condition other than by Plaintiffs own fault, then such damages were sustained due to the sole fault, act and/or omission of co-defendants, by and through their own acts or those of their agents and/or assigns.

49. As such, if Plaintiff should obtain and/or recover judgment against the Answering Defendant, then the co-defendants shall be liable to the Answering Defendant for the full amount of said judgment or at least reduced and allocated by the proportionate share of liability attributable to Plaintiffs own actions/omissions.

WHEREFORE, it is respectfully requested that this Court issue an Order dismissing the THIRD AMENDED COMPLAINT in its entirety, and for such other and further relief as this Court deems just and proper.

Dated: New York, NY  
December 3, 2024



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AARON M. GOLDSMITH, ESQ. (AG4773)  
225 Broadway, Suite 715  
New York, NY 10007  
(914) 588-2679  
(914) 462-3912 (fax)  
*aarongoldsmithlaw@gmail.com*

TO:

CLERK OF THE COURT  
225 Cadman Plaza West  
Brooklyn, NY 11021

KOHN, SWIFT & GRAF, PC  
Attorneys for Plaintiffs  
1600 Market St., Suite 2500  
Philadelphia, PA 19103  
(215) 238-1700

ZUCKERMAN SPAEDER, LLP  
Attorneys for Plaintiffs  
1800 M Street NW, Suite 1000  
Washington, DC 20036  
(202) 778-1996

AIDALA, BERTUNA & KAMINS, PC  
Attorneys for Defendant Clare Bronfman  
546 Fifth Avenue  
New York, NY 10035  
(212) 488-0011

FRIED, FRANK, HARRIS, SHRIVER & JACOBSEN, LLP  
Attorneys for Defendant Sara Bronfman  
801 17<sup>th</sup> Street NW  
Washington, DC 20006  
(202) 634-7040

All counsel/parties via ECF only

## **CERTIFICATION OF MAILING**

This is to certify that a copy of the foregoing was delivered via electronic means, this 3<sup>rd</sup> day of December, 2024, in compliance with the local rules of practice and procedure, to the person(s) and/or entities as listed below.

KOHN, SWIFT & GRAF, PC  
Attorneys for Plaintiffs  
1600 Market St., Suite 2500  
Philadelphia, PA 19103  
(215) 238-1700

ZUCKERMAN SPAEDER, LLP  
Attorneys for Plaintiffs  
1800 M Street NW, Suite 1000  
Washington, DC 20036  
(202) 778-1996

AIDALA, BERTUNA & KAMINS, PC  
Attorneys for Defendant Clare Bronfman  
546 Fifth Avenue  
New York, NY 10035  
(212) 488-0011

FRIED, FRANK, HARRIS, SHRIVER & JACOBSEN, LLP  
Attorneys for Defendant Sara Bronfman  
801 17<sup>th</sup> Street NW  
Washington, DC 20006  
(202) 634-7040

  
AARON M. GOLDSMITH (AG4773)